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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,076	12/16/1999	BRIAN CRUICKSHANK	91436-209	7105
33000	7590	09/22/2005	EXAMINER	
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P.O. DRAWER 800889				
DALLAS, TX 75380			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/464,076

Applicant(s)

CRUICKSHANK, BRIAN

Examiner

Qi Han

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09/08/2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: the applicant's arguments in the amendment (Remarks) filed on 09/08/2005, regarding examiner's rejection under 35 USC 103 in the final office action dated 07/08/2005, has been fully considered, but are not persuasive for placing the application in the condition for allowance.

By reviewing the cited references, the claimed limitations, and the claim rejection under 35 USC 103 in the final office action, It is noted that the combined prior art references teach all claimed limitations and provide proper motivation and obviousness for combining the cited references.

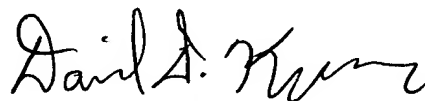
In response to the applicant's arguments that "the examiner's suggested combination of references are improper, as they rely on selective hindsight reconstruction ...not on the prospective teachings and suggestions of the cited references" and the claim(s) "overcomes the rejection based upon a highly speculative and selective combination the Sharman and Hata references" (page 15, paragraph to page 20, paragraph 4), the examiner disagrees with applicant and has a different view of prior art teachings and claim interpretations.

It is noted that that, as stated in the claim rejection, Sharman discloses a text-to-speech system including parsing a text with a word, prefix and suffix, processing different level of speech units (in different process stages), storing speech sample units, concatenating the speech sample units, and outputting audible speech. The basic difference between Sharman and the claimed limitation is that Sharman's stored speech sample is based on smaller unit, such as phoneme (or diphone), while the claimed limitation is based on larger unit, such as word (or prefix, suffix). However, the feature of storing word or phoneme as speech sample unit for text-to-speech processing is well known in the art as evidenced by Hata, who teaches that "the dictionary entries can be individual words", "the dictionary of samples may store... individual phonemes" and "whether to store entire words or individual phonemes is largely a system design issue" (Hata: col. 3, line 55-65; also see detail in the claim rejection).

It should be pointed out that the applicant's arguments (see page 17 to page 20, paragraph 4; also for other claims) appear to say that the feature of storing word or phoneme as speech sample unit for text-to-speech processing is NOT well known in the art, which is directly contradictory with Hata's teaching as recited above. It is very clear that that Hata explicitly teaches what Sharman is missing (storing word as speech sample unit), and at same time provides strong obviousness, motivation and/or suggestion for combination of prior art references (whether to store entire words or individual phonemes is a system design issue, so, it is well known in the art). However, the pages of arguments that the applicant rely on (including the arguments for the other claims) totally ignore the examiner's provided prior art teaching, which is not proper arguments and cannot make ~~them to be~~ persuasive for placing the application in the condition for allowance.

For the arguments regarding the other claims, the response is based on the same reason as described above, because they argued or reflected the same or similar issues as above. The response is also directed to the respective claim rejections in the final office action, since examiner believes the rejection based on the combined reference is proper.

For the above reasons, the examiner believes that the applicant's argument is not persuasive and cannot overcome the combined teachings of the prior art references, therefore, the final rejection is sustained.



DAVID D. KNEPPER
PRIMARY EXAMINER